

Executive Summary – Enforcement Matter – Case No. 41441

Exxon Mobil Corporation

RN102574803

Docket No. 2011-0541-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Chemical Baytown Chemical Plant, 5000 Bayway Drive, Baytown, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1061-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 4, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,300

Amount Deferred for Expedited Settlement: \$2,660

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,320

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,320

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-0541-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 11, 2011 and February 28, 2011 through March 10, 2011

Date(s) of NOE(s): March 24, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 211.30 pounds ("lbs") of carbon monoxide, 5.24 lbs of carbonyl sulfide, 198.70 lbs of volatile organic compounds, 75.50 lbs of hydrogen sulfide, 21.90 lbs of nitrogen oxides, and 7,376.60 lbs of sulfur dioxide were released from shared Flare Stack 28, Emission Point Number FS28, during an avoidable emissions event (Incident No. 147288) that began on November 11, 2010 and lasted three hours and 13 minutes. The shared flare controls the emissions from the Respondent's Syngas Unit and the Air Products and Chemicals plant. The event was a result of a power outage at the distributed control system during the startup of the booster air compressor. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 36476 and PSDTX996M1, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the October 1, 2009 through March 31, 2010 certification period was due April 30, 2010, but it was not received until December 16, 2010 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit No. O-01278, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:

a. By November 15, 2011, the Respondent ensured that Air Products and Chemicals, Inc. replaced the Uninterruptible Power Source ("UPS") batteries and revised its preventative maintenance system relating to batteries, so that the UPS will no longer be bypassed when leaking UPS batteries are being replaced.

b. Submitted the PCC for the certification period of October 1, 2009 through March 31, 2010 on December 16, 2010.

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Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,
Enforcement Team 5, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: F. Y. Blommaert, BTCA Plant Manager, Exxon Mobil Corporation, 5000
Bayway Drive, CAB W-431, Baytown, Texas 77520-2123
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0541-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Payable Penalty Amount:	Ten Thousand Six Hundred Forty Dollars (\$10,640)
SEP Amount:	Five Thousand Three Hundred Twenty Dollars (\$5,320)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

Exxon Mobil Corporation
Agreed Order - Attachment A

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned 28-Mar-2011
PCW 23-Aug-2011

Screening 7-Apr-2011

EPA Due 19-Dec-2011

RESPONDENT/FACILITY INFORMATION

Respondent Exxon Mobil Corporation
Reg. Ent. Ref. No. RN102574803
Facility/Site Region 12-Houston Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 41441
Docket No. 2011-0541-AIR-E
Media Program(s) Air
Multi-Media
No. of Violations 2
Order Type 1660
Government/Non-Profit No
Enf. Coordinator Trina Grieco
EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 191.0% Enhancement Subtotals 2, 3, & 7 \$9,550

Notes Enhancement for nine NOV's with same/similar violations, eight NOV's with dissimilar violations, four orders with denial of liability, and two orders without denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,250

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$8
Approx. Cost of Compliance \$1,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$13,300

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$13,300

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$13,300

DEFERRAL

20.0%

Reduction

Adjustment -\$2,660

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$10,640

Screening Date 7-Apr-2011

Docket No. 2011-0541-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 41441

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102574803

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 191%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine NOVs with same/similar violations, eight NOVs with dissimilar violations, four orders with denial of liability, and two orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 191%

Screening Date 7-Apr-2011

Docket No. 2011-0541-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 41441

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102574803

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Air Permit Nos. 36476 and PSDTX996M1, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 211.30 pounds ("lbs") of carbon monoxide, 5.24 lbs of carbonyl sulfide, 198.70 lbs of volatile organic compounds, 75.50 lbs of hydrogen sulfide, 21.90 lbs of nitrogen oxides, and 7,376.60 lbs of sulfur dioxide were released from shared Flare Stack 28, Emission Point Number FS28, during an avoidable emissions event (Incident No. 147288) that began on November 11, 2010 and lasted three hours and 13 minutes. The shared flare controls the emissions from the Respondent's Syngas Unit and the Air Products and Chemicals plant. The event was a result of a power outage at the distributed control system during the startup of the booster air compressor. Since this event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of contaminants that did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance on November 15, 2010, prior to the March 24, 2011 Notice of Enforcement ("NOE").

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$6,650

This violation Final Assessed Penalty (adjusted for limits) \$6,650

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation

Case ID No. 41441

Reg. Ent. Reference No. RN102574803

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Nov-2010	15-Nov-2010	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated expense to ensure that Air Products and Chemicals, Inc. replaces the Uninterruptible Power Source ("UPS") batteries and revises its preventative maintenance system relating to batteries, so that the UPS will no longer be bypassed when leaking UPS batteries are being replaced. The Date Required is the date of the event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$1

Screening Date 7-Apr-2011

Docket No. 2011-0541-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 41441

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102574803

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Federal Operating Permit No. O-01278, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the October 1, 2009 through March 31, 2010 certification period was due April 30, 2010, but it was not received until December 16, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirements.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

230 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended for the late certification.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on December 16, 2010, prior to the March 24, 2011 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$6,650

This violation Final Assessed Penalty (adjusted for limits) \$6,650

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation
Case ID No. 41441
Reg. Ent. Reference No. RN102574803
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2010	16-Dec-2010	0.63	\$8	n/a	\$8

Notes for DELAYED costs

Estimated expense for Plant personnel to submit the PCC. The Date Required is the date that the PCC was due. The Final Date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$8

Compliance History

Customer/Respondent/Owner-Operator: CN600123939 Exxon Mobil Corporation Classification: AVERAGE Rating: 2.79

Regulated Entity: RN102574803 EXXONMOBIL CHEMICAL BAYTOWN CHEMICAL PLANT Classification: AVERAGE Site Rating: 2.79

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD980809909
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	33880
	AIR NEW SOURCE PERMITS	REGISTRATION	93806
	AIR NEW SOURCE PERMITS	REGISTRATION	93543
	AIR NEW SOURCE PERMITS	REGISTRATION	93943
	AIR NEW SOURCE PERMITS	REGISTRATION	93680
	AIR NEW SOURCE PERMITS	REGISTRATION	92981
	AIR NEW SOURCE PERMITS	REGISTRATION	92108
	AIR NEW SOURCE PERMITS	REGISTRATION	92259
	AIR NEW SOURCE PERMITS	REGISTRATION	92729
	AIR NEW SOURCE PERMITS	REGISTRATION	92258
	AIR NEW SOURCE PERMITS	REGISTRATION	92913
	AIR NEW SOURCE PERMITS	REGISTRATION	92584
	AIR NEW SOURCE PERMITS	REGISTRATION	93327
	AIR NEW SOURCE PERMITS	REGISTRATION	91535
	AIR NEW SOURCE PERMITS	REGISTRATION	92838
	AIR NEW SOURCE PERMITS	REGISTRATION	92525
	AIR NEW SOURCE PERMITS	REGISTRATION	93119
	AIR NEW SOURCE PERMITS	REGISTRATION	93038
	AIR NEW SOURCE PERMITS	REGISTRATION	92952
	AIR NEW SOURCE PERMITS	REGISTRATION	92933
	AIR NEW SOURCE PERMITS	REGISTRATION	22764
	AIR NEW SOURCE PERMITS	REGISTRATION	22765
	AIR NEW SOURCE PERMITS	REGISTRATION	22766
	AIR NEW SOURCE PERMITS	REGISTRATION	23260
	AIR NEW SOURCE PERMITS	REGISTRATION	23448
	AIR NEW SOURCE PERMITS	REGISTRATION	23981
	AIR NEW SOURCE PERMITS	REGISTRATION	23989
	AIR NEW SOURCE PERMITS	REGISTRATION	25944
	AIR NEW SOURCE PERMITS	REGISTRATION	25071
	AIR NEW SOURCE PERMITS	REGISTRATION	25267
	AIR NEW SOURCE PERMITS	PERMIT	28441
	AIR NEW SOURCE PERMITS	REGISTRATION	26135
	AIR NEW SOURCE PERMITS	REGISTRATION	71881
	AIR NEW SOURCE PERMITS	REGISTRATION	31317
	AIR NEW SOURCE PERMITS	REGISTRATION	31854
	AIR NEW SOURCE PERMITS	REGISTRATION	32622
	AIR NEW SOURCE PERMITS	REGISTRATION	32592
	AIR NEW SOURCE PERMITS	REGISTRATION	33518
	AIR NEW SOURCE PERMITS	REGISTRATION	34349
	AIR NEW SOURCE PERMITS	REGISTRATION	34522
	AIR NEW SOURCE PERMITS	REGISTRATION	34663
	AIR NEW SOURCE PERMITS	REGISTRATION	34849
	AIR NEW SOURCE PERMITS	REGISTRATION	35507
	AIR NEW SOURCE PERMITS	PERMIT	36476
	AIR NEW SOURCE PERMITS	REGISTRATION	36635
	AIR NEW SOURCE PERMITS	REGISTRATION	36806
	AIR NEW SOURCE PERMITS	REGISTRATION	38816

AIR NEW SOURCE PERMITS	REGISTRATION	39070
AIR NEW SOURCE PERMITS	REGISTRATION	39020
AIR NEW SOURCE PERMITS	REGISTRATION	38991
AIR NEW SOURCE PERMITS	REGISTRATION	38990
AIR NEW SOURCE PERMITS	REGISTRATION	39222
AIR NEW SOURCE PERMITS	REGISTRATION	39364
AIR NEW SOURCE PERMITS	REGISTRATION	39822
AIR NEW SOURCE PERMITS	REGISTRATION	39479
AIR NEW SOURCE PERMITS	REGISTRATION	39823
AIR NEW SOURCE PERMITS	REGISTRATION	39338
AIR NEW SOURCE PERMITS	REGISTRATION	40139
AIR NEW SOURCE PERMITS	REGISTRATION	40429
AIR NEW SOURCE PERMITS	REGISTRATION	40627
AIR NEW SOURCE PERMITS	REGISTRATION	41621
AIR NEW SOURCE PERMITS	REGISTRATION	41725
AIR NEW SOURCE PERMITS	REGISTRATION	43012
AIR NEW SOURCE PERMITS	REGISTRATION	43700
AIR NEW SOURCE PERMITS	REGISTRATION	43767
AIR NEW SOURCE PERMITS	REGISTRATION	43766
AIR NEW SOURCE PERMITS	REGISTRATION	44053
AIR NEW SOURCE PERMITS	REGISTRATION	44074
AIR NEW SOURCE PERMITS	REGISTRATION	44619
AIR NEW SOURCE PERMITS	REGISTRATION	45380
AIR NEW SOURCE PERMITS	REGISTRATION	45876
AIR NEW SOURCE PERMITS	REGISTRATION	46112
AIR NEW SOURCE PERMITS	REGISTRATION	46479
AIR NEW SOURCE PERMITS	REGISTRATION	46575
AIR NEW SOURCE PERMITS	REGISTRATION	48743
AIR NEW SOURCE PERMITS	REGISTRATION	48824
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0229F
AIR NEW SOURCE PERMITS	PERMIT	4600
AIR NEW SOURCE PERMITS	PERMIT	5259
AIR NEW SOURCE PERMITS	PERMIT	5792
AIR NEW SOURCE PERMITS	PERMIT	7743
AIR NEW SOURCE PERMITS	PERMIT	8388
AIR NEW SOURCE PERMITS	PERMIT	8586
AIR NEW SOURCE PERMITS	PERMIT	8942
AIR NEW SOURCE PERMITS	PERMIT	9571
AIR NEW SOURCE PERMITS	PERMIT	9674
AIR NEW SOURCE PERMITS	REGISTRATION	11241
AIR NEW SOURCE PERMITS	PERMIT	11551
AIR NEW SOURCE PERMITS	REGISTRATION	13009
AIR NEW SOURCE PERMITS	REGISTRATION	13015
AIR NEW SOURCE PERMITS	REGISTRATION	14744
AIR NEW SOURCE PERMITS	REGISTRATION	14948
AIR NEW SOURCE PERMITS	REGISTRATION	14949
AIR NEW SOURCE PERMITS	REGISTRATION	15786
AIR NEW SOURCE PERMITS	PERMIT	20211
AIR NEW SOURCE PERMITS	REGISTRATION	22750
AIR NEW SOURCE PERMITS	REGISTRATION	51963
AIR NEW SOURCE PERMITS	REGISTRATION	53913
AIR NEW SOURCE PERMITS	REGISTRATION	53831
AIR NEW SOURCE PERMITS	REGISTRATION	53782
AIR NEW SOURCE PERMITS	REGISTRATION	55061L001
AIR NEW SOURCE PERMITS	REGISTRATION	75776

AIR NEW SOURCE PERMITS	REGISTRATION	76179
AIR NEW SOURCE PERMITS	REGISTRATION	76270
AIR NEW SOURCE PERMITS	REGISTRATION	55626
AIR NEW SOURCE PERMITS	REGISTRATION	75416
AIR NEW SOURCE PERMITS	REGISTRATION	76317
AIR NEW SOURCE PERMITS	REGISTRATION	55900
AIR NEW SOURCE PERMITS	REGISTRATION	75671
AIR NEW SOURCE PERMITS	AFS NUM	4820100014
AIR NEW SOURCE PERMITS	REGISTRATION	70245
AIR NEW SOURCE PERMITS	REGISTRATION	70244
AIR NEW SOURCE PERMITS	REGISTRATION	70359
AIR NEW SOURCE PERMITS	REGISTRATION	70174
AIR NEW SOURCE PERMITS	REGISTRATION	71466
AIR NEW SOURCE PERMITS	REGISTRATION	50943
AIR NEW SOURCE PERMITS	REGISTRATION	72234
AIR NEW SOURCE PERMITS	REGISTRATION	50641
AIR NEW SOURCE PERMITS	REGISTRATION	52582
AIR NEW SOURCE PERMITS	REGISTRATION	52815
AIR NEW SOURCE PERMITS	REGISTRATION	53222
AIR NEW SOURCE PERMITS	REGISTRATION	71653
AIR NEW SOURCE PERMITS	REGISTRATION	52572
AIR NEW SOURCE PERMITS	REGISTRATION	52417
AIR NEW SOURCE PERMITS	REGISTRATION	72845
AIR NEW SOURCE PERMITS	REGISTRATION	51028
AIR NEW SOURCE PERMITS	REGISTRATION	54715
AIR NEW SOURCE PERMITS	REGISTRATION	72451
AIR NEW SOURCE PERMITS	REGISTRATION	73021
AIR NEW SOURCE PERMITS	REGISTRATION	72553
AIR NEW SOURCE PERMITS	REGISTRATION	73031
AIR NEW SOURCE PERMITS	REGISTRATION	52624
AIR NEW SOURCE PERMITS	REGISTRATION	50951
AIR NEW SOURCE PERMITS	REGISTRATION	50952
AIR NEW SOURCE PERMITS	REGISTRATION	72514
AIR NEW SOURCE PERMITS	REGISTRATION	74086
AIR NEW SOURCE PERMITS	REGISTRATION	74542
AIR NEW SOURCE PERMITS	REGISTRATION	75147
AIR NEW SOURCE PERMITS	REGISTRATION	75248
AIR NEW SOURCE PERMITS	REGISTRATION	76515
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996
AIR NEW SOURCE PERMITS	EPA ID	PSDTX996M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX997
AIR NEW SOURCE PERMITS	REGISTRATION	77577
AIR NEW SOURCE PERMITS	REGISTRATION	78052
AIR NEW SOURCE PERMITS	REGISTRATION	77847
AIR NEW SOURCE PERMITS	REGISTRATION	78572
AIR NEW SOURCE PERMITS	REGISTRATION	78883
AIR NEW SOURCE PERMITS	REGISTRATION	79205
AIR NEW SOURCE PERMITS	REGISTRATION	79626
AIR NEW SOURCE PERMITS	REGISTRATION	80253
AIR NEW SOURCE PERMITS	REGISTRATION	80371
AIR NEW SOURCE PERMITS	REGISTRATION	80172
AIR NEW SOURCE PERMITS	REGISTRATION	79993
AIR NEW SOURCE PERMITS	REGISTRATION	79994
AIR NEW SOURCE PERMITS	REGISTRATION	80411
AIR NEW SOURCE PERMITS	REGISTRATION	80920

AIR NEW SOURCE PERMITS	REGISTRATION	80935
AIR NEW SOURCE PERMITS	REGISTRATION	80715
AIR NEW SOURCE PERMITS	REGISTRATION	81059
AIR NEW SOURCE PERMITS	REGISTRATION	80783
AIR NEW SOURCE PERMITS	REGISTRATION	81081
AIR NEW SOURCE PERMITS	REGISTRATION	81590
AIR NEW SOURCE PERMITS	REGISTRATION	81497
AIR NEW SOURCE PERMITS	REGISTRATION	81575
AIR NEW SOURCE PERMITS	REGISTRATION	81907
AIR NEW SOURCE PERMITS	REGISTRATION	81908
AIR NEW SOURCE PERMITS	REGISTRATION	82149
AIR NEW SOURCE PERMITS	REGISTRATION	82320
AIR NEW SOURCE PERMITS	REGISTRATION	82312
AIR NEW SOURCE PERMITS	REGISTRATION	82415
AIR NEW SOURCE PERMITS	REGISTRATION	93982
AIR NEW SOURCE PERMITS	REGISTRATION	94219
AIR NEW SOURCE PERMITS	REGISTRATION	85739
AIR NEW SOURCE PERMITS	REGISTRATION	85623
AIR NEW SOURCE PERMITS	REGISTRATION	84579
AIR NEW SOURCE PERMITS	REGISTRATION	87386
AIR NEW SOURCE PERMITS	REGISTRATION	84383
AIR NEW SOURCE PERMITS	REGISTRATION	90539
AIR NEW SOURCE PERMITS	REGISTRATION	84706
AIR NEW SOURCE PERMITS	REGISTRATION	90673
AIR NEW SOURCE PERMITS	REGISTRATION	85794
AIR NEW SOURCE PERMITS	REGISTRATION	91146
AIR NEW SOURCE PERMITS	REGISTRATION	82504
AIR NEW SOURCE PERMITS	REGISTRATION	83400
AIR NEW SOURCE PERMITS	REGISTRATION	85646
AIR NEW SOURCE PERMITS	REGISTRATION	82657
AIR NEW SOURCE PERMITS	REGISTRATION	85129
AIR NEW SOURCE PERMITS	REGISTRATION	86433
AIR NEW SOURCE PERMITS	REGISTRATION	87597
AIR NEW SOURCE PERMITS	REGISTRATION	87877
AIR NEW SOURCE PERMITS	REGISTRATION	86556
AIR NEW SOURCE PERMITS	EPA ID	PAL16
AIR NEW SOURCE PERMITS	REGISTRATION	83906
AIR NEW SOURCE PERMITS	REGISTRATION	82983
AIR NEW SOURCE PERMITS	REGISTRATION	82762
AIR NEW SOURCE PERMITS	REGISTRATION	85512
AIR NEW SOURCE PERMITS	REGISTRATION	85744
AIR NEW SOURCE PERMITS	REGISTRATION	91349
AIR NEW SOURCE PERMITS	REGISTRATION	91463
AIR NEW SOURCE PERMITS	REGISTRATION	91533
AIR NEW SOURCE PERMITS	REGISTRATION	91443
AIR NEW SOURCE PERMITS	REGISTRATION	91464
AIR OPERATING PERMITS	PERMIT	2269
AIR OPERATING PERMITS	PERMIT	1278
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0229F
AIR OPERATING PERMITS	PERMIT	2270
WASTEWATER	PERMIT	WQ0001215000
WASTEWATER	EPA ID	TX0007013
STORMWATER	PERMIT	TXR05N668
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	33880

POLLUTION PREVENTION PLANNING
AIR EMISSIONS INVENTORY

ID NUMBER
ACCOUNT NUMBER

P00231
HG0229F

Location: 5000 BAYWAY DR, BAYTOWN, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 30, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 30, 2006 to March 30, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 06/26/2006 ADMINORDER 2005-2066-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,380 lbs of isobutylene from a pipeline leak during an emissions event that occurred June 9, 2005, and lasted for one hour and 25 minutes.

Effective Date: 11/03/2006 ADMINORDER 2006-0393-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: TCEQ Air Permit No. 28441, SC No. 1 OP
TCEQ Flexible Air Permit No. 20211, SC01 PERMIT

Description: Failed to prevent the unauthorized emissions of 476 lbs of toluene, 78,842 lbs of VOCs, 669 lbs carbon monoxide, 20,545 lbs of hydrogen chloride, 2,624 lbs of isobutylene, 46 lbs of isoprene, 581 lbs of methyl chloride, 10 lbs of nitrogen dioxide, 93 lbs of nitrogen oxide and exceeded permit limits.

Effective Date: 03/23/2009 ADMINORDER 2007-0372-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 4600, Special Condition 3A PERMIT
O-1278, Special Condition 17 OP
O-1278, Special Condition 1A OP

Description: Failed to maintain the minimum net heating value of 300 Btu/scf in the gas stream to Flare 24 for a total of 2,114 hours from February 1 through October 26, 2006.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(j)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 20211, Special Condition 3-5 PERMIT
O-1278, Special Condition 17 OP

O-1278, Special Condition 1A OP

Description: Failed to submit an updated Notification of Compliance Status ("NOCS") for Steam Stripper T-150 within 180 days after the change in the established operating range was made.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20211, Special Condition 3-5 PERMIT
O-1278, Special Condition 17 OP
O-1278, Special Condition 1A OP

Description: Failed to report excursions which occurred on the column overhead temperature of the BHU T-150 Steam Stripper in periodic reports dated December 15, 2004 and February 25, 2006.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.146(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-1278, Special Condition 1A OP

Description: Failed to maintain complete records of semiannual visual inspections of individual drain systems. Specifically, records of the visual inspections of the Naptha Rerun Unit ("NRU") E-89 Drain System for the period of the second quarter of 2005 through the third quarter of 2006 were not complete.

Effective Date: 08/23/2009

ADMINORDER 2007-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 20211, Spec Condicion No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Butyl Plant of Plant 2 during an emissions event that began May 14, 2007 and lasted 102 hours releasing 132,538 lbs of the HAP hydrogen chloride, 3,768 lbs of the HAP methyl chloride, 1,133 lbs of CO, 222 lbs of the HRVOC isobutylene, and 163 lbs of NOx. This event was determined to be an excessive emissions event.

Effective Date: 10/15/2010

ADMINORDER 2009-1343-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 20211 SC 3 OP
O-01278 General Terms and Conditions OP

Description: Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal Plant operations. Specifically, an inspection of Tank 3109 conducted on December 12, 2007 determined a 400 square foot portion of the internal floating roof was damaged.

Effective Date: 03/19/2011

ADMINORDER 2010-0027-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition No. 7 PERMIT
Special Terms and Condition #8 OP

Description: Failure to demonstrate compliance for the baghouse visible emissions inspections for the months May 2008 and January 2009. (Category A9.c violation)

- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/04/2006	(401283)
2	05/30/2006	(459582)
3	08/03/2006	(460018)
4	05/26/2006	(460229)
5	05/26/2006	(460306)
6	05/26/2006	(460325)
7	05/26/2006	(460356)
8	05/30/2006	(460373)
9	08/03/2006	(460424)
10	05/17/2006	(463204)
11	05/22/2006	(464928)
12	04/17/2006	(468649)
13	07/24/2006	(481390)
14	07/18/2006	(486292)
15	07/28/2006	(487074)
16	07/26/2006	(487408)
17	08/25/2006	(489290)
18	03/01/2007	(497174)
19	05/12/2006	(498348)
20	06/19/2006	(498349)
21	07/10/2006	(498350)
22	02/14/2007	(511758)
23	02/22/2007	(512453)
24	11/08/2006	(513515)
25	09/22/2006	(513663)
26	12/29/2006	(518842)
27	12/19/2006	(519109)
28	11/14/2006	(519445)
29	08/22/2006	(520361)
30	09/21/2006	(520362)
31	02/13/2007	(531168)
32	11/21/2006	(531318)
33	02/16/2007	(531660)
34	02/12/2007	(536241)
35	02/05/2007	(536251)
36	05/17/2007	(536829)
37	04/20/2007	(536951)
38	05/08/2007	(538162)
39	06/15/2007	(556061)
40	05/05/2008	(559251)
41	08/21/2007	(561094)
42	07/25/2007	(562457)
43	07/25/2007	(562496)
44	07/25/2007	(562510)

45	07/25/2007	(562512)
46	07/25/2007	(563025)
47	07/27/2007	(563671)
48	07/25/2007	(563719)
49	10/02/2007	(565218)
50	10/02/2007	(565503)
51	10/02/2007	(565567)
52	10/04/2007	(566444)
53	10/10/2007	(566468)
54	10/10/2007	(566561)
55	10/10/2007	(566600)
56	10/10/2007	(566622)
57	10/10/2007	(566698)
58	10/10/2007	(566759)
59	10/10/2007	(566837)
60	10/10/2007	(566906)
61	10/11/2007	(566932)
62	10/11/2007	(566971)
63	11/27/2007	(568535)
64	08/06/2007	(570453)
65	08/28/2007	(571090)
66	10/09/2007	(571500)
67	10/15/2007	(572730)
68	09/11/2007	(572874)
69	10/04/2007	(572926)
70	09/26/2007	(573125)
71	10/25/2007	(573559)
72	10/26/2007	(573710)
73	08/30/2007	(574141)
74	10/26/2007	(574344)
75	10/25/2007	(574351)
76	02/20/2007	(575597)
77	03/13/2007	(575598)
78	04/16/2007	(575599)
79	05/16/2007	(575600)
80	06/12/2007	(575601)
81	07/20/2007	(575602)
82	10/23/2006	(575603)
83	11/15/2006	(575604)
84	12/19/2006	(575605)
85	01/23/2007	(575606)
86	11/19/2007	(594809)
87	11/19/2007	(595285)
88	11/19/2007	(595343)
89	11/19/2007	(595370)
90	10/01/2007	(595377)
91	11/19/2007	(595409)
92	11/19/2007	(595413)
93	11/16/2007	(596801)
94	08/20/2007	(607583)
95	09/19/2007	(607584)
96	01/24/2008	(610172)

97	02/15/2008	(612448)
98	12/20/2007	(612527)
99	03/12/2008	(616407)
100	05/06/2008	(618940)
101	10/12/2007	(619632)
102	11/15/2007	(619633)
103	12/18/2007	(619634)
104	02/19/2008	(672158)
105	03/18/2008	(672159)
106	01/11/2008	(672160)
107	12/08/2008	(682541)
108	08/04/2008	(685453)
109	08/01/2008	(686713)
110	10/31/2008	(689605)
111	04/22/2008	(690066)
112	05/19/2008	(690067)
113	08/27/2008	(699536)
114	07/24/2009	(703354)
115	12/18/2008	(708039)
116	06/16/2008	(710850)
117	07/22/2008	(710851)
118	08/14/2008	(710852)
119	09/22/2008	(710853)
120	05/04/2009	(724809)
121	10/21/2008	(727562)
122	11/17/2008	(727563)
123	12/09/2008	(727564)
124	06/04/2009	(736059)
125	04/09/2009	(740671)
126	07/09/2009	(741024)
127	06/25/2009	(743469)
128	02/19/2009	(750375)
129	01/16/2009	(750376)
130	07/16/2009	(761961)
131	09/17/2009	(766108)
132	11/06/2009	(767427)
133	08/25/2010	(767436)
134	12/16/2009	(767531)
135	08/26/2010	(767567)
136	03/20/2009	(768437)
137	04/17/2009	(768438)
138	10/09/2009	(778452)
139	12/17/2009	(785400)
140	05/04/2010	(788730)
141	02/05/2010	(788941)
142	05/21/2010	(802515)
143	02/18/2010	(804914)
144	08/31/2009	(804915)
145	09/17/2009	(804916)
146	10/20/2009	(804917)
147	11/19/2009	(804918)

148 12/14/2009 (804919)
 149 01/20/2010 (804920)
 150 03/16/2010 (830977)
 151 04/16/2010 (830978)
 152 05/14/2010 (830979)
 153 09/22/2010 (844148)
 154 10/08/2010 (846143)
 155 10/11/2010 (846147)
 156 06/18/2010 (846299)
 157 10/22/2010 (850411)
 158 10/18/2010 (850412)
 159 12/09/2010 (860370)
 160 07/20/2010 (866863)
 161 08/19/2010 (866864)
 162 09/21/2010 (873931)
 163 01/27/2011 (878098)
 164 01/05/2011 (878493)
 165 11/22/2010 (881532)
 166 12/15/2010 (884637)
 167 02/14/2011 (884805)
 168 03/24/2011 (886045)
 169 12/09/2010 (888055)
 170 12/17/2010 (896277)
 171 03/24/2011 (899785)
 172 03/08/2011 (901770)
 173 01/18/2011 (902334)
 174 02/16/2011 (909119)
 175 03/17/2011 (916372)
 176 05/19/2009 (924860)
 177 06/18/2009 (924861)
 178 07/13/2009 (924862)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/21/2006	(487074)	CN600123939
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b) TCEQ Permit #4600, SC #1 PERMIT		
Description:	Exxon failed to prevent water from coming in contact with the solenoid coils resulting in unauthorized emissions.		

Date:	07/24/2006	(481390)	CN600123939
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations, No. 1 PERMIT		
Description:	Failure to maintain compliance with the permitted effluent limits for oil and grease (O&G), Total Organic Carbon (TOC), and pH at Outfall 001.		

Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Other Requirements, No. 5, p. 14 PERMIT		
Description:	Failure to conduct the additional effluent testing for Outfalls 001 and 003.		

Date:	07/31/2006	(520361)	CN600123939
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2006 (489290) CN600123939

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Exxon failed to submit a CAP in a timely manner.

Date: 02/16/2007 (531660) CN600123939

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent VOC emissions from two leaking plugs

Date: 06/27/2007 (397722) CN600123939

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to maintain a seal on ten plugs installed on the end of open ended lines at the Paraxylene Adsorption Unit.

Date: 07/31/2007 (607583) CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (727562) CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2009 (924860) CN600123939

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/16/2009 (761961) CN600123939

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(a)(1)
2D TWC Chapter 26, SubChapter A 26.121(a)(3)
2D TWC Chapter 26, SubChapter A 26.121(b)
2D TWC Chapter 26, SubChapter A 26.121(c)
2D TWC Chapter 26, SubChapter A 26.121(d)
2D TWC Chapter 26, SubChapter A 26.121(e)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(2)

Description: Failure to prevent unauthorized discharges from the collection system.

Date: 07/24/2009 (703354) CN600123939

Self Report? NO Classification: Moderate

Citation: 20211, Special Condition 3-5 PA
20211, Special Condition 4E PA
28441, Special Condition 8E PA
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5710, Special Condition 8E PA
 5C THSC Chapter 382 382.085(b)
 8942, Special Condition 6E PA
 9571, Special Condition 6E PA
 9674, Special Condition 8E PA
 O-01278, Special Condition 14 OP

Description: Failure to cap/plug open-ended lines. (Category C 10)
 Self Report? NO Classification: Minor
 Citation: 20211, Special Condition 3-5 PA
 20211, Special Condition 4F PA
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1006(b)(3)
 5C THSC Chapter 382 382.085(b)
 O-1278, Special Condition 14 OP

Description: Failure to monitor one hundred and eighteen valves in HAPs service in the ground water wells area. (Category C, 1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP
 Special Condition 3-6B PA

Description: Failure to install valve rupture discs (Tag ID #LP0102A, L0102B). (Category C, 7)
 Self Report? NO Classification: Minor
 Citation: 20211, Special Condition 3-5 PA
 20211, Special Condition 4G PA
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
 O-01278, Special Condition 14 OP

Description: Failure to monitor four pumps in HAPs service. (Category C, 1).
 Self Report? NO Classification: Minor
 Citation: 20211, Special Condition 2-3 PA
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1008(b)
 5C THSC Chapter 382 382.085(b)
 O-1278, Special Condition 14 OP

Description: Failure to monitor connectors. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 20211, Special Condition 3-5 PA
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT TT 63.1003(a)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to include 394 connectors, and 118 valves in HAPs service in the fugitive monitoring program. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform continuous emission monitoring system (CEMS) automatic calibration validation on furnaces. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 28441, Special Condition 3 PA
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)(ix)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to maintain required pole wiper. (Category C, 4)
 Self Report? NO Classification: Moderate
 Citation: 20211, Special Condition 3-5 PA
 20211, Special Condition 3-7B PA
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to maintain an internal floating roof. (Category B, 14)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4600, Special Condition 5A PA
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to sample cooling towers with approved method. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to sample cooling tower according to HON requirements. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter G 117.8140(b)
 5C THSC Chapter 382 382.085(b)

Description: Failure to perform required quarterly engine testing for the first quarter of 2008, Unit ID# CT17EP9. (Category C, 1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(a)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to maintain catalyst inlet temperature engine (EP1, EP6, and EP9).
 Self Report? NO Classification: Minor
 Citation: 20211, Special Condition 3-5 PA
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
 5C THSC Chapter 382 382.085(b)
 O-01278, Special Condition 14 OP

Description: Failure to give notification of the inspection and refilling of Tank 3109 (AXU Feed Tank).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)

Description: The failure to notify the Administrator of the refilling of Tank 3109 (AXU Feed Tank) prior to the March 20, 2008 tank inspection was not reported as a deviation.

Date: 09/17/2009 (766108) CN600123939
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 1 PERMIT

Description: ExxonMobil failed to close an upstream block valve during a reactor purge which resulted in propylene being released into the atmosphere.

Date: 12/16/2009 (767531) CN600123939
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition #3E PERMIT

Special Terms and Condition #1A OP
Description: Failure to seal nine (9) open-ended lines (OELs) found during the compliance period. (Category C10 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition #2F OP
Description: Failure to include the emissions summary page along with the initial notification for a reportable emissions event. (Category C3 violation)

Date: 08/25/2010 (767567) CN600123939
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 1G(iv) OP
Special Condition No. 0-4 PA
Description: Failure to cap/plug open-ended lines. Category C 10.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 1-3 PA
Special Condition 1-6 PA
Special Condition 1A OP
Description: Failure to maintain a vapor recovery system used as a control device on a stationary tank.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1-16A PA
Special Condition 1-16B PA
Special Condition 1A OP
Description: Failure to maintain a regenerative thermal oxidizer (RGTO) minimum operating temperature and control efficiency.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(B)(i)
5C THSC Chapter 382 382.085(b)
Description: Failure to determine opacity.

Date: 08/30/2010 (767436) CN600123939
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 4E PERMIT
Special Condition 5E PERMIT
Special Condition 8E PERMIT
Special Conditions 1A and 17 OP
Description: Failure to prevent open-ended lines within the Olefins and Aromatics Units (Category C10).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
5C THSC Chapter 382 382.085(b)

Special Condition 1A OP

Description: Failure to provide notice 30 days in advance for a seal gap inspection of Tank 1123 (Category B3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 3-7(D) PERMIT
Special Conditions 1A and 17 OP

Description: Failure to provide a post-inspection report within 60 days for Tank 1123 (Category B3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to correct CEMS auto validation error within 24 hrs. for furnace F102V (Category C1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to maintain CO emissions below 3 g/hp-hr for engine EP-9 (EN02CT17) (Category B18).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to sample HRVOCs within the required timeframe after analyzer FS24 failure (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2F OP

Description: Failure to create a final record of an emission event within 14 days of the end of the event for SGUJ1106 (Category C3).

Date: 10/22/2010 (850411) CN600123939

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Exxon failed to provide sufficient information regarding the Line 8 Remote Instrument Electrical (RIE) building air conditioning (A/C) system.

Date: 03/08/2011 (901770) CN600123939

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)

5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, ExxonMobil failed to prevent the spill from a bleeder valve in the Aromatic Extraction Unit.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102574803**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0541-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant at 5000 Bayway Drive in Baytown, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about March 29, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Three Hundred Dollars (\$13,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Three Hundred Twenty Dollars (\$5,320) of the administrative penalty and Two Thousand Six Hundred

Sixty Dollars (\$2,660) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Three Hundred Twenty Dollars (\$5,320) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By November 15, 2011, the Respondent ensured that Air Products and Chemicals, Inc. replaced the Uninterruptible Power Source ("UPS") batteries and revised its preventative maintenance system relating to batteries, so that the UPS will no longer be bypassed when leaking UPS batteries are being replaced.
 - b. Submitted the permit compliance certification ("PCC") for the certification period of October 1, 2009 through March 31, 2010 on December 16, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 36476 and PSDTX996M1, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 11, 2011. Specifically, unauthorized emissions of

211.30 pounds ("lbs") of carbon monoxide, 5.24 lbs of carbonyl sulfide, 198.70 lbs of volatile organic compounds, 75.50 lbs of hydrogen sulfide, 21.90 lbs of nitrogen oxides, and 7,376.60 lbs of sulfur dioxide were released from shared Flare Stack 28, Emission Point Number FS28, during an avoidable emissions event (Incident No. 147288) that began on November 11, 2010 and lasted three hours and 13 minutes. The shared flare controls the emissions from the Respondent's Syngas Unit and the Air Products and Chemicals plant. The event was a result of a power outage at the distributed control system during the startup of the booster air compressor. Since this event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit No. O-01278, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from February 28 through March 10, 2011. Specifically, the PCC for the October 1, 2009 through March 31, 2010 certification period was due April 30, 2010, but it was not received until December 16, 2010.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2011-0541-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Three Hundred Twenty Dollars (\$5,320) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

D. D. S. For R. Hyde
For the Executive Director

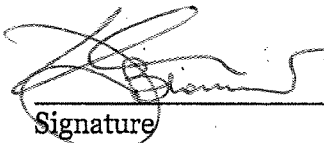
12-21-11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

28th Jan
Date

F.Y. Blommaert
Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

BTCA Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0541-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Exxon Mobil Corporation
Payable Penalty Amount:	Ten Thousand Six Hundred Forty Dollars (\$10,640)
SEP Amount:	Five Thousand Three Hundred Twenty Dollars (\$5,320)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx

Exxon Mobil Corporation
Agreed Order - Attachment A

reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.